

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIMITRI Z. STORM,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

No. 1:24-cv-00830 GSA (PC)

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY THIS MATTER SHOULD NOT
BE DISMISSED FOR FAILURE TO
PROSECUTE

Fed. R. Civ. P. 41(b)

PLAINTIFF'S SHOWING OF CAUSE, OR IN
THE ALTERNATIVE, HIS FILING OF AN
AMENDED COMPLAINT, DUE IN
TWENTY-ONE DAYS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2024, this matter was screened and the Court determined that Plaintiff's complaint failed to state a claim upon which relief could be granted. ECF No. 8. As a result, Plaintiff was ordered to file an amended complaint and to do so within thirty days. Id. at 12.

More than thirty days have passed and Plaintiff has not filed an amended complaint nor responded to the Court's order in any way. Consequently, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to prosecute. See Fed. R. Civ. P.

1 41(b). In the alternative, he may file an amended complaint. Plaintiff will be given twenty-one
2 days to take either course of action.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff is ordered to SHOW CAUSE why this matter should not be dismissed for
5 failure to prosecute;

6 2. As an alternative to filing the showing of cause, Plaintiff may file an amended
7 complaint, and

8 3. Plaintiff shall have twenty-one days to take either of these courses of action.

9 **Plaintiff is cautioned that failure to respond to this order within the time allotted**
10 **may result in a recommendation that this matter be dismissed.**

11
12
13 IT IS SO ORDERED.

14 Dated: September 28, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE